

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 714 – SB 679**

May 21, 2009

**SUMMARY OF AMENDMENT (008919):** Deletes the language of the original bill. Rewrites multiple provisions regarding the offense of criminal trespass, including but not limited to, instances where consent is inferred and the addition of declaration stating that entering or remaining on railroad or utility right-of-way property for usual and customary agricultural activity by an adjoining landowner shall not be considered trespass. Requires that 97 percent of fees collected by the Secretary of State for filing, processing, and copying business documents pursuant the Tennessee Revised Limited Liability Company Act to be allocated to the General Fund; the remaining three percent will be retained by the Secretary of State.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact - This bill will put the state in non-compliance with the federal *Motor Carrier Safety Act*. Current federal law requires notification to occur within ten days. The first-year penalty for non-compliance is five percent of federal-aid highway funds. At current funding levels, it is estimated that the state would lose \$19,698,600 in federal-aid highway funds for FY09-10. The penalty for second and subsequent fiscal years is ten percent of federal-aid highway funds. At current funding levels, this is estimated to be \$39,397,200 for FY10-11 and each subsequent fiscal year thereafter.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**State Revenue – Net Impact - Not Significant**

**State Expenditures – Net Impact - Not Significant**

**Local Revenue – Net Impact - Not Significant**

**Local Expenditures – Net Impact - Not Significant**

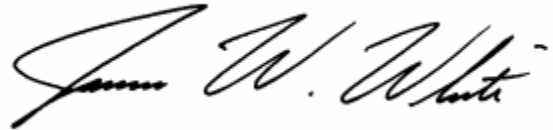
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Assumptions applied to amendment:

- The offense of criminal trespass remains a Class C misdemeanor.
- There will not be a sufficient change to the number of prosecutions for state or local government to experience any significant change to revenue or expenditures.
- According to the Office of Secretary of State, the fee apportionment provision related to the Tennessee Revised Limited Liability Company Act will not impact state revenue or expenditures because the provision codifies current practice.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/rnc